



TPW

PATENT
Customer No. 22,852
Attorney Docket No. 5725.0639-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
David W. CANNELL et al.) Group Art Unit: 1616
Serial No.: 09/931,919) Examiner: Qazi, Sabiha Naim
Filed: August 20, 2001) Confirmation No.: 4335
For: METHODS FOR RELAXING AND)
RE-WAVING HAIR COMPRISING)
AT LEAST ONE REDUCING)
AGENT AND AT LEAST ONE)
HYDROXIDE COMPOUND)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

In an Office Action dated April 29, 2004, the Examiner required election of a single disclosed species for examination on the merits under 35 U.S.C. § 121. In addition, the Examiner required a listing of the claims that "read" on the elected species.

The election of species requirement is respectfully traversed. To be fully responsive, however, Applicants provisionally elect, with traverse, the species wherein the "reducing agent" is thioglycolate. This species corresponds to examples 1-4 on pages 19-23 of the specification, and reads on claims 1-12, 14-33, and 35-41.

Applicants traverse the election of species requirement on the grounds that the Examiner has not shown that there would be a serious burden to examine all of the claimed species. In fact, the Examiner has failed to show that any burden exists.

Accordingly, Applicants respectfully request that the full scope of the claimed invention be examined in this application without an election requirement. If the Examiner chooses to maintain the election requirement, however, and should the elected species be found allowable, Applicants expect the Examiner to continue to examine the full scope of the claimed subject matter to the extent necessary to determine the full scope of the patentability thereof, *i.e.*, extending the search to the non-elected species, as is the duty of the Examiner according to MPEP § 803.02 and 35 U.S.C. § 121.

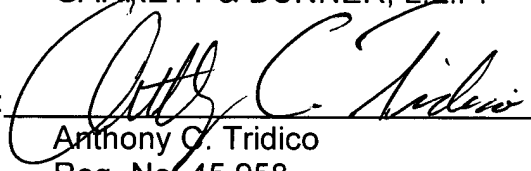
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 27, 2004

By:


Anthony C. Tridico
Reg. No. 45,958